

JUDGE DANIELS

11 CIV 4026

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
VILMA VACCARO,

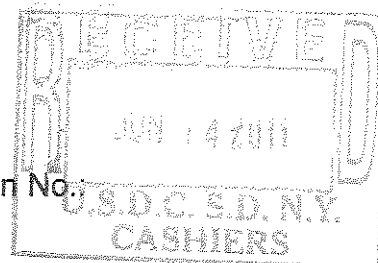
Plaintiff,

-against-

PARAMOUNT RECOVERY SERVICES,

Defendant(s).  
\_\_\_\_\_

Civil Action No. \_\_\_\_\_



**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff VILMA VACCARO ("Plaintiff"), by and through her attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant PARAMOUNT RECOVERY SERVICES hereinafter referred to as "Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action on her own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff is a resident of the State of New York, residing at 7 Garrett Ave., Congers, N.Y. 10920.

3. Defendant is a professional corporation organized in Ohio, with their address at 8118 Corporate Way, Suite 212, Mason, Ohio 45153.

4. The Defendant is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, Defendant, on behalf of a third-party, began collecting an alleged consumer debt from the Plaintiff.

10. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff by calling the Plaintiff and leaving messages on her phone approximately the end of 2010.

11. The Plaintiff saved one of those messages:" Vilma Vaccaro this is Becky Master here at Paramount. Please return the call concerning claim 824397. There's some documentation that needs to be brought to your attention immediately. I do urge you to take the call here and return it today at 877.336.6577. Thank you."

12. The Defendant's message is legally deficient in that it fails to provide the required warnings under 15 USC §1692e(11) by failing to include the required warnings identifying themselves as debt collectors, that it is an attempt to collect a debt and any information would be used for that purpose.

13. The Defendant's message further violates 15 USC §1692e – preface and e

(10) by using a deceptive and misleading means and representation by not providing the required warnings under 15 USC §1692e (11).

14. The Defendant's message is also legally deficient under 15 USC §1692d (6) by the placement of telephone calls without meaningful disclosure of the callers identity by failing to completely identify the Defendant.

**FIRST CAUSE OF ACTION**  
***(Violations of the FDCPA)***

15. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "14" herein with the same force and effect as if the same were set forth at length herein.

16. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692e-preface, 15 USC §1692e (10), 15 USC §1692e (11) and 15 USC §1692d (6).

17. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

18. Plaintiff VILMA VACCARO hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff VILMA VACCARO demands judgment from the Defendants PARAMOUNT RECOVERY SERVICES as follows:


- A. For actual damages provided and pursuant to 15 USC §1692k (a) (1);
- B. For statutory damages provided and pursuant to 15 USC §1692k (2)

(A);

- C. For statutory damages provided and pursuant to 15 USC §1692k (2)  
(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k (a) (3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
June 8<sup>th</sup>, 2011

Respectfully submitted,

By:   
M. Harvey Rephen, (MR3384), Esq.  
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Facsimile: (212) 209-7100

*Attorney for the Plaintiff Vilma Vaccaro*

To: PARAMOUNT RECOVERY SERVICES  
8118 Corporate Way  
Suit 212  
Mason, OH 45153

*(Via Prescribed Service)*

Clerk,  
United States District Court, Southern of New York  
*(For Filing Purposes)*